

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

MARGARET J. DUBOIS, VC 2012-PR-001 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit construction of dwelling 13.0 ft. from front lot lines and stairs 10.0 ft. from front lot line. Located at 7703 Virginia Ln., Falls Church, 22043, on approx. 22,198 sq. ft. of land zoned R-3. Providence District. Tax Map 39-4 ((1)) 146A and 146B. (Deferred from 6/13/12 at appl. req.) Ms. Gibb moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on July 11, 2012; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the property.
2. This is a tough one.
3. The Board felt comfortable that the applicant has met eight of the standards, but was still worried about "the character of the zoning district will not be changed by the granting of the variance."
4. When we have new homes in established neighborhoods, they look different.
5. You only have to look across the street at the house that is seven years old and it was just sold, and it looks quite a bit like the proposed house.
6. So that is how neighborhoods change.
7. For a while, there are some odd looking houses in among the older ones, and then they all change.
8. That is what happens with infill development, and that is how Fairfax County is developing now.
9. When looking at the standards, Ms. Strobel made a good presentation.
10. There is a buildable lot; the Board has had that determination.
11. The applicant acquired the property in good faith.
12. The subject property certainly is exceptionally narrow and shallow, so it meets the required Standard 2.
13. The subject property is not of a general standard. This is not something that recurs so that an amendment to the Zoning Ordinance would be appropriate.
14. The strict application of the Ordinance would certainly produce unfair hardship.
15. The building envelope that is shown on the plat that was provided is just too small, and a house that would be built in there would not be in keeping with the character of the rest of the neighborhood and not something that anyone would want to see in the neighborhood.
16. It is not a hardship that is generally shared by the others.
17. According to Standard 6, the strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict utilization of the subject property.
18. As to whether this authorization of the variance will be a substantial detriment to the adjacent property, the Board has one letter of support.

19. The Board knows that something can go in there, so the question is just whether the house proposed is acceptable.
20. The Board does not know that the applicant is required to build the minimum size home; it just needs to be one that is in character with the zoning district.
21. This is very close, but based on the fact that the home across the street looks so much like this, and certainly this lot size is consistent with other lots in the neighborhood, the applicant has satisfied the Board that the physical conditions as listed above exist under which a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of reasonable use of the land and/or buildings involved.

This application meets all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property, or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:


1. This variance is approved for the maximum size and location of a two-story, single-family detached dwelling, including optional items, as shown on the plat prepared by Smith Engineering dated January 30, 2012, as revised through and sealed through July 5, 2012, submitted with this application and is not transferable to other land.
2. All applicable building permits and final inspections shall be obtained for the single-family detached dwelling.
3. The single-family dwelling shall be generally consistent with the architectural renderings and material as shown on Attachment 1 to these conditions.
4. Parcel 146B shall not be developed with a residential dwelling.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards including requirements for building permits.

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the variance. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Beard seconded the motion, which carried by a vote of 6-0. Chairman Ribble was not present for the vote.

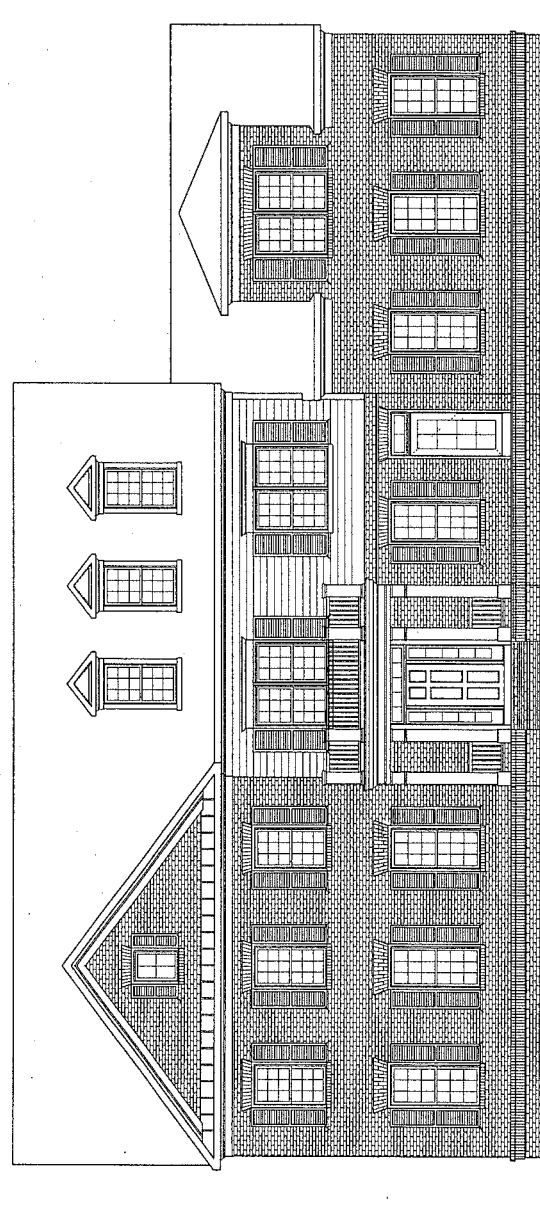
A Copy Teste:


Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals

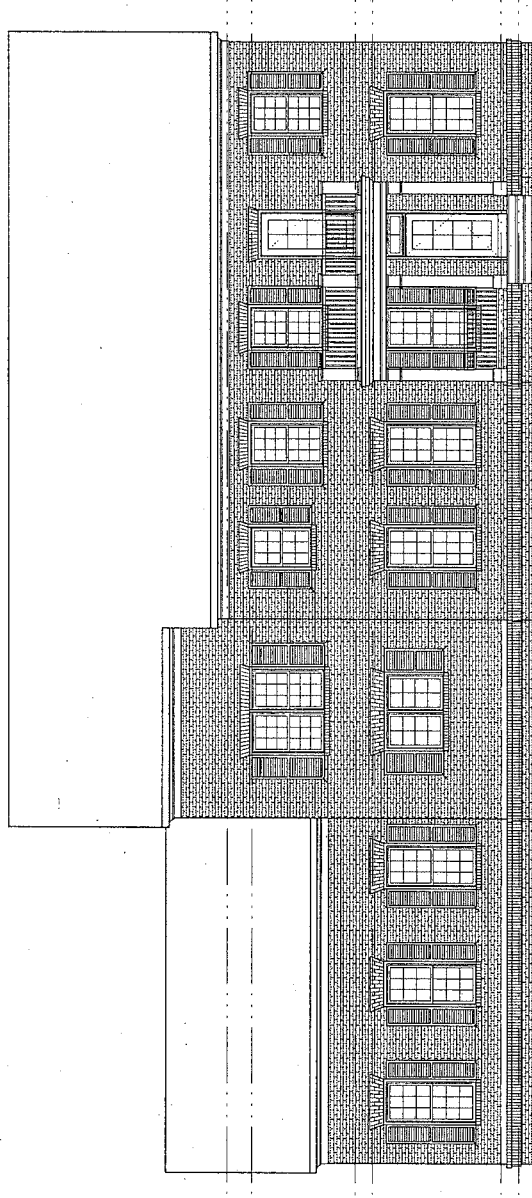
PROPOSED VA AVE ELEVATION

DAPOGNY RESIDENCE
FAIRFAX COUNTY, VA

A-200



PROPOSED VA AVE ELEVATION
DATE 10-1-17



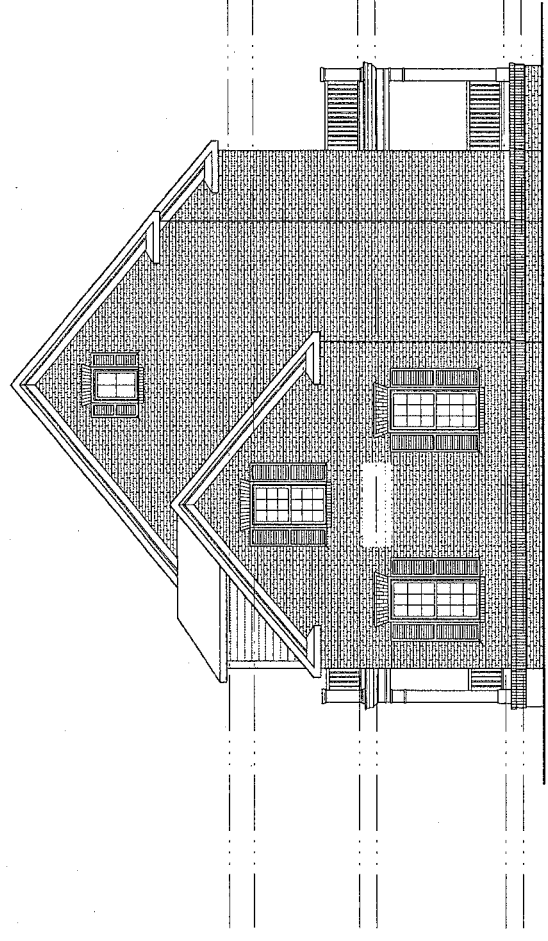
NO.	PROPOSED VA LANE ELEVATION
AXIS	SCALE 1/4" = 1'-0"

[illegible]

A-202

DATE	04/25/2018
BY	W. J. B.
CHECKED BY	
DATE	
PROJECT	DAPOGNY RESIDENCE
LOCATION	FAIRFAX COUNTY, VA
OWNER	
ARCHITECT	
DATE	

DAPOGNY RESIDENCE
FAIRFAX COUNTY, VA
PROPOSED SIDE ELEVATION



PROPOSED SIDE ELEVATION
SCALE 1/8" = 1'-0"